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8 Attorneys for Plaintiff

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14 UNITED STATES OF AMERICA,) CR No. 07-0454 PJH
15 Plaintiff,)
16 v.) STIPULATION AND [PROPOSED] ORDER
17 SHANNON BLAYLOCK,) EXCLUDING TIME FROM DECEMBER 12,
18 aka ARLANDYS RICHARDSON,) 2007 THROUGH JANUARY 23, 2008
19 aka "DADDY RICH",)
20 TAWAKONI SEATON,)
aka TONI,)
21 Defendants.)
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23)

24 On December 12, 2007, the parties in this case appeared before the Court. Counsel for
25 the United States and counsel for co-defendants Blaylock and Seaton stipulated that time should
26 be excluded from the Speedy Trial Act calculations from December 12, 2007 through January
27 23, 2008. The parties represented that granting the continuance was necessary for effective
28 preparation of counsel and continuity of counsel, taking into account the exercise of due
diligence, to afford counsel time to review discovery and due to scheduled vacations during

STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME, 07-0454 PJH

1 which counsel would not be available. See 18 U.S.C. § 3161(h)(8)(B)(iv). Counsel for the
2 United States also moved to exclude time for pursuant to 18 U.S.C. § 3161(h)(7) because co-
3 defendants are joined for trial with other co-defendants with whom the time for trial has not run
4 and a motion for severance has not been granted. Counsel for co-defendant Gardner objected to
5 the exclusion of time on all grounds.

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7 SO STIPULATED:

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JOSEPH P. RUSSONIELLO
United States Attorney

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DATED: April 30, 2008

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/s / Denise Barton
DENISE MARIE BARTON
Assistant United States Attorney

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DATED: April 30, 2008

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/s/
MICHAEL STEPANIAN
Attorney for SHANNON BLAYLOCK

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DATED: April 30, 2008

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/s/
KENNETH WINE
Attorney for TAWAKONI SEATON

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[PROPOSED] ORDER

As the Court found on December 12, 2007 and for the reasons stated above, the Court finds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial and that time should be excluded from the Speedy Trial Act calculations December 12, 2007 through January 23, 2008 for effective preparation and continuity of counsel. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny counsel reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv). The Court also finds that time is properly excluded pursuant to 18 U.S.C. § 3161(h)(7) because co-defendants are joined for trial with other co-defendants with whom the time for trial has not run and a motion for severance has not been granted

SO ORDERED.

DATED: _____ HONORABLE. PHYLLIS J. HAMILTON
United States District Judge